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12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA
14 SAN FRANCISCO DIVISION
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16	_____)	No. C-07-0259-SI
17	BERRYESSA FOR ALL,)	
18	Plaintiff,)	STIPULATION GOVERNING
19	v.)	PROCEDURES FOR HARDSHIP CASES
20	UNITED STATES BUREAU OF)	AND PARTIAL SETTLEMENT RE:
21	RECLAMATION, <i>et al.</i> ,)	MITIGATION CLAIMS
22	Defendants)	Date: N/A
	_____)	Time: N/A
)	<u>Hon. Susan Illston</u>

1 Plaintiff Berryessa for All (“Plaintiff” or “BFA”) and defendants U.S. Bureau of
2 Reclamation, *et al.* (“Defendants” or “Reclamation”) have agreed upon the following procedures
3 to be followed in addressing hardship cases relating to potential removal of long-term uses at
4 certain resorts operated at Lake Berryessa.

5 Currently, certain owners of trailer or mobile homes (“Permittees”) have occupied space
6 at seven resorts (the “Resorts”) operated by concessionaires (the “Concessionaires”). It is
7 Reclamation’s position that, on or before the expiration of the concession contracts, the
8 Permittees will need to remove their property from the Resorts. Plaintiff has challenged the
9 basis for that position under the National Environmental Policy Act, 42 U.S.C. § 4321–4370f
10 (“NEPA”).

11 The Parties believe it is in the best interest of all to enter into this “Stipulation and Partial
12 Settlement” in order to address those situations that may pose hardship for certain Permittees.
13 Accordingly, the Parties have agreed to the following procedures:

14 1. By October 5, 2007, Reclamation will send to BFA a letter or other correspon-
15 dence that sets out the criteria under which Reclamation will evaluate potential hardship cases.

16 2. BFA will disseminate that letter or correspondence to its membership and others.
17 By October 19, 2007, any persons believing they may qualify under these hardship criteria
18 (“Applicants”) shall contact Reclamation as provided in Reclamation’s instructions.

19 3. By October 5, 2007, Reclamation will also send letters out to those individuals
20 Reclamation has previously identified as potential hardship cases, informing them of the criteria
21 under which they may apply for consideration.

22 4. Reclamation will send out individual letters to each Applicant, in addition to
23 those receiving letters pursuant to Paragraph 3, except for any persons who clearly do not qualify
24 under Reclamation’s criteria. Those letters will request specific information supporting the
25 Applicant’s request for consideration. Within 30 days of receiving such a letter, each Applicant
26 shall provide the information requested by Reclamation. Receipt shall be presumed to have
27 occurred within 3 days of mailing each letter to each Applicant’s address on record at Lake
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Berryessa.

5. Within 30 days of receiving a response from each Applicant, Reclamation shall make a determination as to whether the Applicant qualifies for consideration under the hardship criteria; *provided however*, that if unanticipated circumstances prevent Reclamation from responding to an Applicant, Reclamation will make personal contact with the Applicant to discuss the Applicant's situation.

6. As to any Applicant whose situation Reclamation has determined presents a hardship case, Reclamation will, within 7 days of making that determination, contact the Concessionaire at whose Resort the Applicant occupies space and direct the Concessionaire to remove the outstanding eviction notice.

7. The Parties acknowledge that Reclamation has already sent out the correspondence referred to in Paragraphs 1 and 3, above.

8. Reclamation intends to address those situations that Reclamation determines satisfy the hardship criteria prior to the expiration of the applicable concession contract(s).

9. In consideration of the foregoing, Plaintiff agrees that, as long as these procedures are followed, Plaintiff will not argue in this litigation (including the October 12, 2007 motions hearing) that Reclamation has not properly addressed hardship cases. In this context "hardship cases" refers to the circumstances of certain Permittees who may suffer financial, physical, or other difficulties as a result of their departure from the resorts as required by the Visitor Services Plan Record of Decision.

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10. Nothing in this Stipulation provides plaintiff or any other person with an independent right of review of the actions taken or not taken by Reclamation under this Stipulation, nor does it afford any such person a right of action against the United States.

SO STIPULATED:

FOR PLAINTIFF

Dated: _____

/s/MATTHEW A. SIROKA
FRANK A. IWAMA
MATTHEW A. SIROKA
The Iwama Law Firm
67 Wessex Way
San Carlos, California 94070


FOR THE DEFENDANTS

Dated: _____

/s/DAVID B. GLAZER
DAVID B. GLAZER
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San Francisco, California 94105

Upon consideration of the pleadings in this case, and for good cause shown, the Stipulation and Partial Settlement set forth above is APPROVED.

Dated: _____


SUSAN ILLSTON
UNITED STATES DISTRICT JUDGE

ATTORNEY ATTESTATION OF CONCURRENCE

I hereby attest that I have obtained concurrences in this filing for the signatures indicated by a “conformed” signature (“/s/”) within this e-filed document.

Dated: October 11, 2007

/s/DAVID B. GLAZER

DAVID B. GLAZER

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